

REMARKS

Claims 1-17 are in the case and presented for consideration.

The examiner has rejected claim 1 as being obvious from a combination of Kitsukawa, et al and Shoff, et al.

Although Kitsukawa discloses the presenting of advertising information in the form of icons over a currently viewed television program, Kitsukawa repeatedly requires there to be an association between the advertising information and the television program or an item on the television program. Kitsukawa also does not anticipate or suggest drawing advertising information from the Internet. It is understood that the examiner has utilized the Shoff reference to provide this feature, however, even the combination of Kitsukawa and Shoff would not reach the claimed invention.

Returning to Kitsukawa, et al, the absolute requirement of an association between the advertising information and the associated program is found, for example, in Kitsukawa in the Abstract, lines 4 and 18; column 2, lines 26 and 63; column 3, lines 1 and 5; column 6, lines 15, 16 and 43; column 9, line 51; column 10, line 43; column 11, line 49; and column 14, line 14, and is a required feature of every one of the fifty-four claims in Kitsukawa.

According to the present invention, there is no required association between the advertising information or icon and the program being viewed and, in fact, such an association would be counter to the premise of the present invention which is to provide the viewer with information which can ever periodically change with no association or connection with the program viewed. See, for example, claim 4 of the present application.

According to claim 4, if the customer is not interested in the advertisement currently being viewed, again completely independently of the program being viewed, the advertisement is changed, again without any connection to the program being viewed.

Turning to the second reference to Shoff, et al, although Shoff does anticipate the association with the television program with an Internet connection, Shoff also anticipates a connection or association between an icon being shown to the viewer and the program being viewed. On this point, therefore, Kitsukawa and Shoff are much more similar to each other than to the claimed invention.

Turning to the claims, claim 1 has been amended to make it clear that there is no association between the television program viewed by the subscriber and the icon or its associated advertising. This disassociation between the icon/advertising information and the television program is supported by the specification, for example, in the paragraph bridging pages 10 and 11 of the application, and is clearly very different from and unobvious over a combination of the Kitsukawa and Shoff references, which both clearly suggest associating the icon with the television program being viewed.

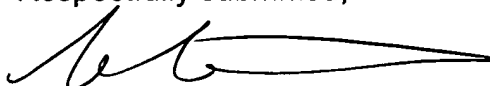
As noted above, claim 4 is even more distinct from the references in that it requires periodic changing of the icon if the subscriber hasn't selected the icon to view the associated advertising information.

Independent claim 12 has been amended to incorporate this feature, as well as the non-association between the icon/associated advertising and the television program being displayed.

The remaining claims define other distinguishing features over the prior art, so that the application and claims are now believed to be in condition for allowance.

The examiner is respectfully invited and urged to telephone the undersigned in the interest of reaching a conclusion to the prosecution of this case, particularly in view of the fact that the present application was filed May 31, 2000 and was only examined almost four years later.

Respectfully submitted,



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Dated: 8/16/04

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